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JUL 26 2006

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RICHARD W. WIEKING
 CLERK, U.S. DISTRICT COURT
 NORTHERN DISTRICT OF CALIFORNIA
 SAN JOSE

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7 IN THE UNITED STATES DISTRICT COURT
 8 FOR THE NORTHERN DISTRICT OF CALIFORNIA

10	UNITED STATES OF AMERICA,)	No. CR 06-70390 HRL
11	Plaintiff,)	STIPULATION, WAIVER AND
12)	[PROPOSED] ORDER CONTINUING
13	vs.)	PRELIMINARY
14	JOSE RAMIREZ, Jr.,)	HEARING/ARRAIGNMENT
15	Defendant.)	

16 **STIPULATION**

17 The parties hereby stipulate and agree that the preliminary hearing/arraignment currently
 18 scheduled for July 27, 2006 may be continued to August 24, 2006 at 9:30 a.m. The reason for
 19 the requested continuance is to permit the parties to conduct additional investigation, to review
 20 and consider additional discovery and to continue their efforts to negotiate a pre-indictment
 21 resolution of the matter. The parties further stipulate and agree that 28 days may be excluded
 22 from the time limits of Rule 5.1(c) of the Federal Rules of Criminal Procedure and the Speedy
 23 Trial Act, 18 U.S.C. §§3161(a), 3161(h)(8)(A) and 3161(h)(8)(B)(iv).

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26

1 Dated: July 25, 2006

2 s/
3 CYNTHIA C. LIE
4 Assistant Federal Public Defender

5 Dated: July 26, 2006

6 s/
7 THOMAS M. O'CONNELL
8 Assistant United States Attorney

9 **WAIVER**

10 I, Jose Ramirez Jr., have been advised of my rights to the following:

- 11 (1) the filing of an information or indictment within thirty days from the date of my arrest in
12 the above-captioned case, pursuant to 18 U.S.C. §3161(a); or
13 (2) a preliminary hearing within 10 days of my initial appearance in this case, pursuant to
14 Rule 5.1(c) of the Federal Rules of Criminal Procedure.

15 I hereby consent to delay the preliminary hearing and filing of the indictment or
16 information for an additional 28 days.

17 Dated: July 25, 2006

18 s/
19 JOSE RAMIREZ, Jr.
20 Defendant

21 ~~PROPOSED~~ ORDER

22 Good cause appearing and by stipulation of the parties,

23 IT IS HEREBY ORDERED that the preliminary hearing/arraignment currently scheduled
24 for July 27, 2006 shall be continued to August 24, 2006 at 9:30 a.m.

25 IT IS FURTHER ORDERED that 28 days shall be excluded from the computation of
26 time within which the preliminary hearing and trial shall commence under Rule 5.1(c) of the

1 Federal Rules of Criminal Procedure and the Speedy Trial Act, 18 U.S.C. §§3161(h)(8)(A) and
2 3161(h)(8)(B)(iv).

3 Dated: July 26, 2006

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5 HOWARD R. LLOYD
6 United States Magistrate Judge

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